

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
July 7-11, 1997

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
7-7	EX	74/483,835	Samar S.p.A.	Sams Seeherman Hairston*	2(d)	Refusal Affirmed		"GREEN EARTH" [t-shirts, caps, panties, sweatshirts, jogging suits, etc.]	"GREEN PLANET HARMONY ON EARTH" (and design) [t-shirts, sweatshirts and sweatpants, baseball caps, polo-type shirts, tank tops, socks, light sweaters, wind resistant jackets]	Fickes	No
7-7	EX	74/522,760	Perfect Fit Industries, Inc.	Simms* Hairston Walters	2(d)	Refusal Affirmed		"HOME COMFORT" [pillows and chair cushions]	"HOME COMFORT FURNITURE & MATTRESS CENTER" [retail furniture store services]	Tingley	No
7-7	OPP (MR)	99,224	Pumpkin, Ltd. v. Seed Corps	Sams Rice Hairston	whether opposer could show "excusable neglect" under Fed. R. Civ. P. 6(b)--to reopen its testimony period	Motion to Reopen Denied; Opposition Dismissed	"PUMPKIN MASTERS" [kit for pumpkin carving]	"MASTER PUMPKIN CARVER" (and design) [teaching children gardening and safety education by means of sponsoring pumpkin carving contests]			Yes
7-8	EX	74/575,488	Sunshine Products Holding GmbH	Rice* Seeherman Hanak	2(d)	Refusal Reversed		"SUNSHINE" (and design) [tennis shoes, sweat pants, sweat shirts, sport caps, sweat bands, sweat socks, jackets and shoes for men and women]	"SUNSHINE HOUSE" [t-shirts, sweat shirts, swim suits, wet suits, walking shorts, jackets]; "SUNSHINE STUFF" [girls' pants, dresses, shorts, etc.]	R. Clark	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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7-8	EX	74/661,908	Diamond Rug & Carpet Mills, Inc.	Rice Simms* Hanak	2(e)(1)	Refusal Affirmed		"PET-PROOF" [textile carpet]		Bonnet	No
7-8	EX	74/305,777	Radiant Technology, Inc.	Simms Seeherman Hohein*	whether the matter asserted for registration is capable of registration on the Supp. Register (Sec. 23) or is, rather, a generic term as applied to applicant's goods	Refusal Affirmed		"RADIANTPANEL" [household hot water baseboard heaters]		Cole	No
7-8	EX	74/532,461	Russell-Newman, Inc.	Simms* Cissel Seeherman	2(d)	Refusal Affirmed		"CALIFORNIA DESIGN BY NIGHT" [women's and girls' apparel, namely, dresses, skirts, pants, jackets, vests, blouses, shorts, evening dresses, intimate apparel, etc.]	"NIGHT" [clothing, namely, blouses, skirts, sweaters, slacks, evening gowns, jackets, scarves, hats, stockings, boots, shoes, and slippers; purses and hand bags; jewelry]	Leahy	No

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7-8	EX	74/616,518	Bath & Body Elements - World Bead Co., Corporate, Inc.	Sams Seeherman Hairston*	2(d); requirement for a more definite identification of goods; requirement, under Sec. 6, for disclaimer of phrase "BEAD COMPANY"	Refusal Affirmed (on all grounds)		"WORLD BEAD COMPANY" (and design) [beads and bead related accessories; retail store services featuring component jewelry]	"WORLD BEADS" (and design) [retail store services featuring beads and bead related products]	Sussman	No
7-9	EX	74/457,278	Rug Doctor, L. P.	Rice Hanak Quinn*	whether the matter asserted for registration functions as a mark for applicant's goods (or is merely an informational slogan) and, if so, whether the mark is distinctive under Sec. 2(f)	Refusal Affirmed (on both grounds)		"WITH THE VIBRATING BRUSH" [machines for extracting dirt and foreign matter from rugs, carpets, and the like]		Straser	No
7-9	EX	74/546,080	Omega Research, Inc.	Seeherman* Hanak Hohein	2(e)(1)	Refusal Reversed		"WALL STREET ANALYST" [computer software to assist in making investment decisions]		Feeley	No

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7-10	CANC CANC	21,309 21,321	Allied-Sysco Food Services, Inc. v. The Pizza Maker	Cissel* Hanak Hohein	abandonment	Petitions to Cancel Granted		"THE PIZZA MAKER" (and design) [franchising services, namely, offering technical assistance in the establishment and/or operation of pizza restaurants; restaurant services]; "THE PIZZA MAKER!" [pizza]			No
7-10	EX	74/515,552	Spraying Systems Co.	Sams Simms Seeherman*	Section 6 disclaimer requirement (of word "TURBO")	Refusal Reversed		"TURBO TEEJET" [spray nozzles for power operated agricultural sprayers]		Oh	No
7-11	OPP	96,414	NBC Fourth Realty Corp.	Sams Simms Seeherman*	2(d)	Opposition Dismissed	"T.J. MAXX" [retail department store services]	"T-MAX" [musical instrument amplifiers]			No
7-11	CANC	22,849	AT&T Corp. v. MCI Communications Corp.	Rice Cissel* Hairston	2(e)(1)	Petition to Cancel Denied		"GLOBAL ADVANTAGE" [telecommunications services]			No

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